

December 3, 2003 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

04AN0154

Willy and Karin Rau

Bermuda Magisterial District
12606 Nightingale Drive

REQUEST: A Special Exception to operate a bed and breakfast from the home.

RECOMMENDATION

Recommend denial of this Special Exception for the following reasons:

- A. Special Exception may adversely affect the health, safety or welfare of persons residing in the neighborhood.
- B. Special Exception may impair the character of the district.
- C. This request is incompatible with The Plan for Chesterfield.

GENERAL INFORMATION

Location:

Property is known as 12606 Nightingale Drive. Tax ID 813-655-4381 (Sheet 27).

Existing Zoning:

R-15

Size:

4.2 acres

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - Old Channel; R-15; vacant
South - R-15; Residential
East - R-15; Residential
West - Old Channel; R-15; vacant

Utilities:

Public water and sewer

Transportation:

This request requires adequate off-street parking.

General Plan:

(Eastern Area Consolidated Plan)

Residential
(4.0 units or less)

DISCUSSION

The applicants request a Special Exception to operate a bed and breakfast from the home.

The applicants provide the following justification in support of this request:

We would like to operate a bed and breakfast in our private home which has over 6,000 square feet in the subdivision of River's Bend. We have no direct neighbors. The family home has become too large for two (2) people. The house has been used, and was built for a large family. The home and the settings are extremely beautiful, located on a historic site overlooking the James River. Guests who came to visit over the years, came to love and enjoy this place very much. There will be no signs or advertising in the neighborhood, the neighborhood roads, or at the entrance to the property. Less people will live in the proposed Bed and Breakfast than before in the family home. Therefore the traffic and the neighboring properties will not be affected. The property is secluded and private. The house is 900 feet setback from a public road. The house is built on four (4) acres. There are plenty of parking spaces not visible from the street. It has five (5) bedrooms and six (6) bathrooms, and an in ground pool.

Staff visited the site, which is located in the River's Bend Subdivision, a well established residential neighborhood.

Staff believes that the proposed use, because of noise, traffic and associated activity, may have an adverse effect on adjacent properties and the area in general. Staff also believes that this request may change the character of the existing neighborhood and will encourage increased traffic on Nightingale Drive.

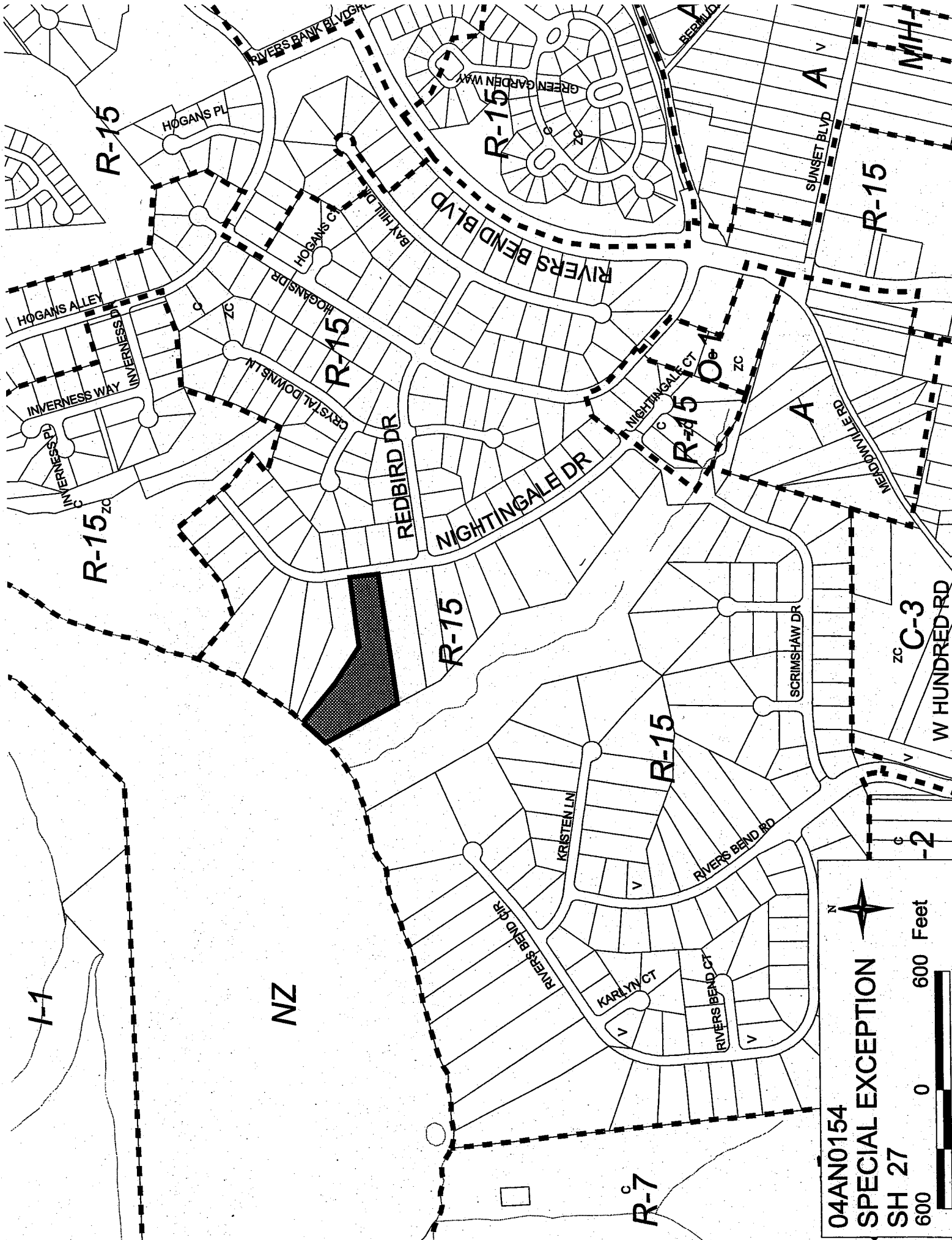
The Eastern Area Consolidated Plan suggests the property is appropriate for residential use. Staff believes this type of use is too intense to be compatible with the residential character of the adjacent properties and the neighborhood in general. This type of use should be located in an area outside of a recorded subdivision. Also, this use would increase traffic flow through the River's Bend Subdivision.

Staff does not feel that the imposition of development conditions will mitigate the negative impacts this use will have on the area. Therefore, staff cannot support this request.

However, if the Board feels that this request has merit, staff recommends that it be subject to the following conditions:

CONDITIONS

1. Special Exception shall be granted to and for Willy and Karin Rau, exclusively, and shall not be transferable nor run with the land.
2. Special Exception shall be limited to the operation of a bed and breakfast business only. No employees, other than the applicants, shall be engaged in this operation.
3. Special Exception shall be granted for a period not to exceed two (2) years from date of approval and may be renewed upon satisfactory reapplication and demonstration that the operation has not proved a detriment to the adjacent property or the area in general.
4. No signs shall be permitted for the business.
5. No additions or alterations that would increase the capacity of this operation shall be permitted to the dwelling. This does not preclude any routine maintenance or cosmetic alteration.



04AN0154
SPECIAL EXCEPTION
SH 27

600 Feet

0

600

C-3

-2

R-15

A

A

R-15

R-15

R-15

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